IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.525 OF 2006
IN
CRIMINAL WRIT PETITION NO.1822 OF 2005

Mr.Sadashiv Mallikarjun Kheradkar ...Applicant
V/s.
Mrs.Nandini Sadashiv Kheradkar & Ors. ...Respondents

Mr.Jagdish Chowdhary with Ms.Rupali V. Pawar for Applicant.
Mr.A.B. Vyagani for Respondent No.1.
Mrs.M.M. Deshmukh APP for the State.

CORAM : V.M. KANADE, J.
DATED : 26th OCTOBER, 2007.

P.C:-

1. Heard learned counsel for the Applicant, learned counsel for Respondent No.1 and learned APP for the State.

2. Grievance of the Applicant is that his application at Ex.11 dated 5/11/2004 which was filed in the Court of Judicial Magistrate, First Class, Islampur was not considered and the learned JMFC was pleased to pass impugned order pursuant to directions which were given by this Court in Writ Petition No.1622/02. Record indicates that the Respondent No.1-wife has filed several applications for recovery of maintenance amount due and payable from the Applicant herein. All these applications were decided by the

JMFC by passing a common order dated 5/11/2004. It appears that the Applicant has filed a fresh application. However, by the time application was filed, JMFC was already pleased to decide applications for recovery which were filed by the Respondent No.1.

3. Under these circumstances, in my view, it is not possible to interfere with the impugned order passed by the JMFC. However, liberty is granted to the Applicant to file a fresh application before JMFC and if such an application is filed, JMFC will please to decide said application after affording an opportunity to the Respondent No.1 and after taking into consideration amount of maintenance which is due and payable to the Respondent No.1 and pass such orders in accordance with law. If such an application is filed by the Applicant, same shall be decided as expeditiously as possible and in any case within three months. JMFC shall also decide the applications for recovery of maintenance which are filed by the Respondent No.1. These applications shall also be decided as expeditiously as possible and in any case within a period of three months.

. Application is disposed of accordingly.

V.M. KANADE, J.